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| EXAMINER | |
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| KHAN, ASHER R | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION**

This Office Action is responsive to communication filed on 10/21/2010.

***Response to Arguments***

Applicant's arguments filed 10/21/2010 have been fully considered but they are not persuasive.

In re page 8 lines 5-23, Applicants argue the motivation to combine Yasuda and Kelly.

In response to further clarify the combination of Yasuda and Kelly. Motivation to combine would have been multiplexing of first and second stream at the Transport level ("...various programmes PROG 1, PROG 3 can be multiplexed into a single transport stream..., Kelly, Para. 0066) instead of Elementary stream level ("...each bitstream fragment is parsed and dummy data 10 as a second bitstream is inserted immediately before the header of the specified picture...", Yasuda, Col. 9 lines 1-11), thus performing said processing taught by Yasuda at a transport level, so as to process media data at a more abstract level making the system less computationally intensive.

In re page 9, lines 8-22, Applicants argue that conclusion of obviousness of combination of Yasuda and Kelly is improper hindsight.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In re page 9 line 23 to page 10 line 24, Applicants argue claim 22 failing to be taught by Yasuda and Kelly, where in inserting section further inserts the identification information into the point where the streams acquired by the stream acquiring section have their stream data discontinued so that the unit in the first stream is incomplete and a unit in the beginning of the second stream is not a frame header.

In response the Examiner respectfully disagrees. Yasuda discloses wherein the inserting section further inserts the identification information (dummy data 10, col. 9 lines 1-12) into the point where the streams acquired by the stream acquiring section have their stream data discontinued so that the unit in the first stream (e.g. bit stream 20) is incomplete (Figs. 10 (a) and 13; Col. 9 lines 23-40; It is noted that bit stream fragment breaks off in the in the middle of data of the I picture thus resulting in incomplete bit stream or since the decoding of picture immediately before is stopped and error concealment process occurs is also considered be the incomplete first stream because of failing to be decoded completely, Col. 10 lines 3-10, 43-65). While Kelly discloses a unit in the beginning of the second stream is not a frame header (Fig. 7; Paras. 0059; 0061;0066; It is noted that Fig. 7 which shows a T-PKT of transport stream at the beginning of second stream i.e. PROG3 element 043 contains a sync block and not a frame header).

In re page 10 line 24 to page 11, Line 2, Applicants argue claim 25 failing to be taught by Yasuda and Kelly, a data processing method comprising the steps of: a) acquiring a first stream; b) if a second stream, of which the data is discontinuous with the first stream so that a unit in the first stream is incomplete, is acquired after the first stream, adding identification information to the end of the first stream; c) acquiring the second stream after the identification information; d) decoding the first stream, the identification information and the second stream in this order on the basis of a predetermined unit; **e) determining whether or not the identification information is included in the unit to be decoded in the step d); and f) if the identification information has been detected, starting to decode the next unit without outputting the data in the unit that is going to be decoded, wherein the first and second streams are transport streams.**

In response the Examiner respectfully disagrees. Yasuda discloses a data processing method comprising the steps of: a) acquiring a first stream (e.g. Fig. 10 (a), stream 20); b) if a second stream (e.g. Fig. 10 (a), stream 21), of which the data is discontinuous with the first stream, (Fig. 10 (a); It is noted that stream 20 is discontinuous with stream 21 because of the insertion of dummy data) so that a unit in the first stream is incomplete **(e.g. bit stream 20) is incomplete (Figs. 10 (a) and 13; Col. 9 lines 23-44; It is noted that bit stream 20 fragment breaks off in the in the middle of data of the I picture thus resulting in incomplete bit stream )**, is acquired after the first stream, adding identification information (Dummy data, Fig. 10 (a), 10a) to the end of the first stream; c) acquiring the second stream after the identification

information (Col. 10 lines 43-47; acquiring of I picture header i.e. stream 21 which is claimed second stream); d) decoding the first stream, the identification information and the second stream in this order on the basis of a predetermined unit (Col. 9, lines 13-30; Col. 10 lines 43-47; e.g. decoding of stream 20, dummy data and stream 21 respectively); e) **determining whether or not the identification information is included in the unit to be decoded in the step (d) (e.g. detection means 210 detects positions of all picture headers, Col. 15, lines 32-33 and/or "...dummy data can be detected as error code, Col. 10 lines 26-42)); and f) if the identification information has been detected, starting to decode the next unit without outputting the data in the unit that is going to be decoded (e.g. error concealment processing after detection of error code, Col. 2 lines 63 to col. 3, line 13; Col. 10, lines 43-65). While Kelly discloses wherein the first (PROG 1) and second (PROG 3) streams are transport streams (e.g. multiplexing of PROG 1 and PROG 2 as first and second stream respectively; Fig. 7; Para. 0066).**

In re page 11, lines 20-25, Applicants argue claim 31 failing to be taught by Yasuda and Kelly, wherein each of the first and second streams includes a portion of one of the number of units (, and the first and second streams are split at the portions of the one of the number of units.

In response the Examiner respectfully disagrees. Yasuda discloses wherein each of the first (stream 20) and second (stream 21) streams includes a portion (e.g. IHeader 23, Fig. 10(a) or data of macro-block layer and lower layers, Fig. 7 or Macroblocks Fig. 6b which make up slices of Fig. 6a) of one of the number of units (Fig. 10 (a) element

22a or 23) and the first and second streams are split at the portions (e.g. IHeader 23, Fig. 10(a) or data of macro-block layer and lower layers, Fig. 7 or Macroblocks Fig. 6b which make up slices of Fig. 6a) of the one of the number of units (It is noted that as shown in fig 10 (a) or 10 (e) streams are split and one of IHeader or Macroblocks).

In re page 12 lines 3-11, Applicants argue claim 34 failing to be taught by Yasuda, wherein the inserting section further inserts the identification information to the end of the first stream and the beginning of the second stream, wherein the beginning of the second stream is not an I-frame header.

In response the Examiner respectfully disagrees. Yasuda discloses wherein the inserting section further inserts the identification information (dummy data) to the end of the first stream (stream 20) and the beginning of the second stream (stream 21), wherein the beginning of the second stream is not an I-frame header (It is noted that instead of I picture there could be B or P Picture; Col. 9 lines 32-39).

In re page12 lines 12-18, Applicants argue claim 36 failing to be taught by Yasuda, wherein if the detecting section has detected the identification information, the decoding section does not output an incomplete data, which follows the identification information and is ahead of a next I- frame header, when a unit of the beginning of the second stream is incomplete.

In response the Examiner respectfully disagrees. Yasuda discloses wherein if the detecting section has detected the identification information, the decoding section does not output an incomplete data (It is noted that the decoding of picture immediately before is stopped and error concealment process occurs is also considered be the

incomplete first stream because of failing to be decoded completely, Col. 10 lines 3-10, 43-65), which follows the identification information (dummy data) and is ahead of a next I- frame header, when a unit of the beginning of the second stream is incomplete (It is noted that second stream 21 is not decoded when error concealment process occurs thus second stream is incomplete, Col. 10 lines 3-10, 43-65).

In re page 12 lines 19-25, Applicant argue claim 37 failing to be taught by Yasuda, where in the incomplete data is not a portion of an I-frame picture data.

In response the Examiner respectfully disagrees. Yasuda discloses where in the incomplete data is not a portion of an I-frame picture data (It is noted that instead of I picture there could be B or P Picture; Col. 9 lines 32-39).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/A. K./
Examiner, Art Unit 2621

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481